

Message Text

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ORIGIN ARA-14

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SUBJECT: MAJOR SENATE AMENDMENTS AND RESERVATIONS TO
PANAMA CANAL NEUTRALITY TREATY.

1. THERE FOLLOW TEXT OF TWO LEADERSHIP AMENDMENTS TO
PANAMA CANAL NEUTRALITY TREATY AS WELL AS TEXT OF TWO
MAJOR RESERVATIONS WHICH WERE INCORPORATED IN SENATE'S
RESOLUTION OF RATIFICATION.

A. LEADERSHIP AMENDMENT: BEGIN QUOTE: AT THE END OF
ARTICLE IV, INSERT THE FOLLOWING:

A CORRECT AND AUTHORITATIVE STATEMENT OF CERTAIN RIGHTS
AND DUTIES OF THE PARTIES UNDER THE FOREGOING IS CON-
TAINED IN THE STATEMENT OF UNDERSTANDING ISSUED BY THE
GOVERNMENT OF THE UNITED STATES OF AMERICA ON OCT. 14,
1977, AND BY THE GOVERNMENT OF THE REPUBLIC OF PANAMA ON
OCT. 18, 1977, WHICH IS HEREBY INCORPORATED AS AN INTE-
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GRAL PART OF THIS TREATY, AS FOLLOWS:

UNDER THE TREATY CONCERNING THE PERMANENT NEUTRALITY AND
OPERATION OF THE PANAMA CANAL (THE NEUTRALITY TREATY),
PANAMA AND THE UNITED STATES HAVE THE RESPONSIBILITY TO

ASSURE THAT THE PANAMA CANAL WILL REMAIN OPEN AND SECURE

TO SHIPS OF ALL NATIONS. THE CORRECT INTERPRETATION OF THIS PRINCIPLE IS THAT EACH OF THE TWO COUNTRIES SHALL, IN ACCORDANCE WITH THEIR RESPECTIVE CONSTITUTIONAL PROCESS, DEFEND THE CANAL AGAINST ANY THREAT TO THE REGIME OF NEUTRALITY, AND CONSEQUENTLY SHALL HAVE THE RIGHT TO ACT AGAINST ANY AGGRESSION OR THREAT DIRECTED AGAINST THE CANAL OR AGAINST THE PEACEFUL TRANSIT OF VESSELS THROUGH THE CANAL.

THIS DOES NOT MEAN, NOR SHALL IT BE INTERPRETED AS, A RIGHT OF INTERVENTION OF THE UNITED STATES IN THE INTERNAL AFFAIRS OF PANAMA. ANY UNITED STATES ACTION WILL BE DIRECTED AT INSURING THAT THE CANAL WILL REMAIN OPEN, SECURE, AND ACCESSIBLE, AND IT SHALL NEVER BE DIRECTED AGAINST THE TERRITORIAL INTEGRITY OR POLITICAL INDEPENDENCE OF PANAMA. END QUOTE.

B. LEADERSHIP AMENDMENT: BEGIN QUOTE: AT THE END OF THE FIRST PARAGRAPH OF ARTICLE VI, INSERT THE FOLLOWING:

IN ACCORDANCE WITH THE STATEMENT OF UNDERSTANDING MENTIONED IN ARTICLE IV ABOVE: 'THE NEUTRALITY TREATY PROVIDES THAT THE VESSELS OF WAR AND AUXILIARY VESSELS OF THE UNITED STATES AND PANAMA WILL BE ENTITLED TO TRANSIT THE CANAL EXPEDITIOUSLY. THIS IS INTENDED, AND IT SHALL SO BE INTERPRETED, TO ASSURE THE TRANSIT OF UNCLASSIFIED

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SUCH VESSELS THROUGH THE CANAL AS QUICKLY AS POSSIBLE, WITHOUT ANY IMPEDIMENT, WITH EXPEDITED TREATMENT, AND IN CASE OF NEED OR EMERGENCY, TO GO TO THE HEAD OF THE LINE OF VESSELS IN ORDER TO TRANSIT THE CANAL RAPIDLY'. END QUOTE.

C.DECONCINI RESERVATION: BEGIN QUOTE: BEFORE THE PERIOD AT THE END OF THE RESOLUTION OF RATIFICATION, INSERT THE FOLLOWING: 'SUBJECT TO THE CONDITION, TO BE INCLUDED IN THE INSTRUMENT OF RATIFICATION OF THE TREATY TO BE EXCHANGED WITH THE REPUBLIC OF PANAMA, THAT, NOTWITHSTANDING THE PROVISIONS OF ARTICLE V OR ANY OTHER PROVISION OF THE TREATY, IF THE CANAL IS CLOSED, OR ITS OPERATIONS ARE INTERFERED WITH, THE UNITED STATES OF AMERICA AND THE REPUBLIC OF PANAMA SHALL EACH INDEPENDENTLY HAVE THE RIGHT TO TAKE SUCH STEPS AS IT DEEMS NECESSARY, IN ACCORDANCE WITH ITS CONSTITUTIONAL PROCESSES, INCLUDING THE USE OF MILITARY FORCE IN PANAMA, TO REOPEN THE CANAL OR RESTORE THE OPERATIONS OF THE CANAL AS THE CASE MAY BE.' END QUOTE.

D.NUNN ET AL RESERVATION: BEGIN QUOTE: SUBJECT TO THE

CONDITION THAT THE INSTRUMENTS OF RATIFICATION OF THE
TREATY SHALL BE EXCHANGED ONLY UPON THE CONCLUSION OF THE
PROTOCOL OF EXCHANGE, TO BE SIGNED BY AUTHORIZED REPRESENTATIVES OF BOTH GOVERNMENTS, WHICH SHALL CONSTITUTE AN INTEGRAL PART OF THE TREATY DOCUMENTS AND WHICH SHALL INCLUDE THE FOLLOWING: THAT NOTHING IN THIS TREATY SHALL PRECLUDE PANAMA AND THE UNITED STATES FROM MAKING, IN ACCORDANCE WITH THEIR RESPECTIVE CONSTITUTIONAL PROCESSES, ANY AGREEMENT OR ARRANGEMENT BETWEEN THE TWO COUNTRIES TO FACILITATE PERFORMANCE AT ANY TIME AFTER DEC. 31, 1999, OF THEIR RESPONSIBILITIES TO MAINTAIN THE REGIME OF NEUTRALITY ESTABLISHED IN THE TREATY, INCLUDING AGREEMENTS OR ARRANGEMENTS FOR THE STATIONING OF ANY UNITED STATES FORCES OR MAINTENANCE OF DEFENSE SITES AFTER THAT

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DATE IN THE REPUBLIC OF PANAMA THAT PANAMA AND THE UNITED STATES MAY DEEM NECESSARY OR APPROPRIATE. END QUOTE.

2. COMMENT AND GUIDANCE FOLLOW SEPTTEL. ABOVE TEXTS MAY OF COURSE BE MADE AVAILABLE TO HOST GOVERNMENTS. VANCE

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